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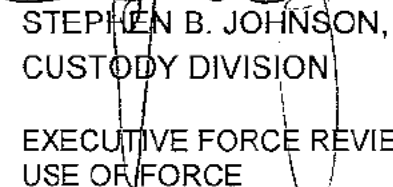
COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: December 7, 2010

FILE NO. IV2277585, SH2268975

FROM:  STEPHEN B. JOHNSON, COMMANDER TO: KARYN MANNIS, CAPTAIN
CUSTODY DIVISION INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS AND RECOMMENDATIONS
USE OF FORCE

The purpose of this memo is to notify you of the Review Committee's findings and recommendations concerning the use of force incident which occurred on June 16, 2010

The Committee met on November 18, 2010, and consisted of me, Commander Daryl Evans, Custody Operations Division, and Commander Michael J. Rothans, Field Operations Region III.

The Committee deemed:

- as **Founded**, the allegation that Deputy Daniel Mailloux # [REDACTED] violated the Department's Manual of Policy and Procedures, Section 3-01/050.10, Performance to Standards, on or about June 6, 2010, he failed to properly perform his duties and/or failed to perform his duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department and/or failed to conform to work standards established for his position, as evidenced by but not limited to:
 - a) Unnecessarily putting himself, and/or his partner, Deputy [REDACTED] in an unsafe position by failing to adequately communicate, and/or coordinate with Deputy [REDACTED] prior to handling a priority call of "illegal shooting", and/or placing Deputy [REDACTED] and himself in a position of disadvantage by splitting up prior to confronting potentially armed suspect(s), and/or
 - b) Failing to communicate, and/or coordinate, with responding units prior to handling, and/or arriving at potentially armed suspect(s) location, and/or

- c) Failing to safeguard himself by approaching the potentially armed suspect(s) in close proximity with your vehicle, and/or bringing his vehicle to a stop in close proximity of the potentially armed suspect(s).

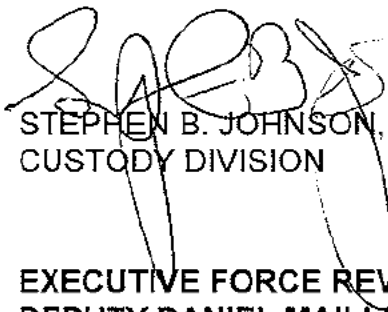
The Committee recommended that Deputy Daniel Mailloux # [REDACTED] receive **a suspension with loss of pay and benefits for 3 days.**

KM:RSP/rsp

COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT*A Tradition of Service*

DATE: December 7, 2010

OFFICE CORRESPONDENCEFILE NO. SH2268975
IV2277585FROM:  STEPHEN B. JOHNSON, COMMANDER
CUSTODY DIVISIONTO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAUSUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:
DEPUTY DANIEL MAILLOUX # [REDACTED]
DEPUTY [REDACTED] # [REDACTED]
LAKEWOOD STATION

Deputies Daniel Mailloux and [REDACTED] were responding to a call regarding a call of "illegal shooting" in the vicinity of [REDACTED] Eucalyptus Avenue, Bellflower. The call stated five shots were heard, but nothing was seen.

As the deputies approached the location, they encountered a security guard who indicated he heard shots being fired in the vicinity. The deputies then made contact with the property manager of the location who directed them to the rear parking lot of the location and described the involved parties wearing gray colored shirts and black pants. While speaking with the property manager, Deputy Mailloux saw two individuals (Witness [REDACTED] and Suspect Luckett) matching the description at the end of the driveway to the rear parking lot.

Deputy Mailloux drove to the rear parking area, while Deputy [REDACTED] walked through the carport area. When Deputy Mailloux arrived in the rear parking area, he ordered Suspect Luckett and Witness [REDACTED] at gunpoint to raise their hands and walk to the hood of the patrol car. Witness [REDACTED] complied with the orders. Suspect Luckett, however, raised his hands as he walked toward the hood, but then dropped his left hand toward his waistband. Deputy Mailloux again ordered Suspect Luckett to raise his hands and he complied. Suspect Luckett then placed a beer he was holding in his right hand on the hood of the patrol car and quickly moved his left hand to his rear waistband area.


Fearing Suspect Luckett was arming himself and in fear for his life, Deputy Mailloux fired one round at Suspect Luckett, striking him.

Suspect Lockett sustained a gunshot wound to the upper torso. He was transported to Long Beach Memorial Hospital where he was pronounced dead. No weapon was recovered, but one expended .45 caliber shell casing from Deputy Mailloux's weapon was recovered at the scene.

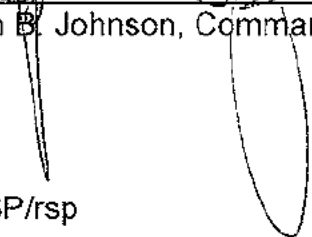
On November 18, 2010 the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MPP § 3-01/025.00, Use of Force; 3-01/025.30, Use of Firearms and Deadly Force; 3-01/025.10, Unreasonable Force; and 3-01/050.10, Performance to Standards.

Concerning:

MPP § 3-01/025.00, Use of Force, MPP § 3-01/025.30, Use of Firearms and Deadly Force, and MPP § 3-01/025.10, Unreasonable Force, the Committee determined that the force used by Deputy Daniel Mailloux # [REDACTED] was reasonable and necessary and in compliance with Department policy.



Stephen B. Johnson, Commander



EBS:RSP/rsp



Erroy D. Baca, Sheriff

County of Los Angeles
Sheriff's Department Headquarters

*4700 Ramona Boulevard
Monterey Park, California 91754-2169*



June 2, 2011

Deputy Daniel Mailloux, # [REDACTED]

Dear Deputy Mailloux:

On February 8, 2011, you were served with a Letter of Intention, indicating your right to respond to the Sheriff's Department's pending disciplinary action against you, as reported under IAB File Number 2277585. You were also advised of your right to review the material on which the discipline was based.

You are hereby notified that pursuant to an Education-Based Discipline (EBD) Agreement between you and this Department dated May 10, 2011, you are suspended without pay from your position of Deputy Sheriff, Item No. 2708A, with this Department for a period of three (3) days. However, pursuant to the EBD agreement, the three (3) days will be held in abeyance for a period of twelve (12) months which will end on May 9, 2012. All Department records will reflect, nevertheless, that you received a three (3) day suspension. In accordance with the EBD Agreement, you have agreed to participate in an education-based alternative to discipline. Should you fail to complete any of the terms and conditions of the EBD Agreement, the three (3) days held in abeyance will be imposed.

An investigation under File Number IAB 2277585, conducted by Internal Affairs Bureau, coupled with your own statements, has established the following:

1. That in violation of Manual of Policy and Procedures Section 3-01/050.10, Performance to Standards, on or about June 6, 2010, you failed to properly perform your duties and/or failed to perform your duties in a manner which will tend to establish and maintain the highest standard of efficiency in carrying out the functions and objectives of the Department and/or failed to conform to work standards established for your position, as evidenced by but not limited to:

A Tradition of Service Since 1850

- a) unnecessarily putting yourself, and/or your partner (Deputy [REDACTED]) in an unsafe position by failing to adequately communicate, and/or coordinate with him (your partner) prior to handling a priority call of "illegal shooting", and/or placing him (your partner) and you in a position of disadvantage by splitting up prior to confronting suspects, and/or;
- b) failing to communicate, and/or coordinate with responding units prior to handling, and/or arriving at a potentially armed suspect(s) location, and/or;
- c) failing to safeguard yourself by approaching a potentially armed suspect(s) in close proximity to your vehicle, and/or bringing your vehicle to a stop in close proximity of a potentially armed suspect(s).

Prior to imposing this disciplinary action, I have thoroughly reviewed the incident and your record with this Department.

You will hereby take notice that any future acts of misconduct may result in more severe disciplinary action.

The Sheriff's Department reserves the right to amend and/or add to this letter.

Sincerely,

LEROY D. BACA, SHERIFF

Original Signed

Christy Guyovich, Captain
Commander, Lakewood Station

Note: Attached for your convenience are excerpts of the applicable areas of the Manual of Policy and Procedures.

Deputy Daniel Mailloux, # [REDACTED]

3

CG:JMG:bs

c: Advocacy Unit
Thomas M. Laing, Chief, Field Operations Region III
Internal Affairs Bureau
Personnel Administration
Office of Independent Review (OIR)
Lakewood Station/unit Personnel File

EDUCATION-BASED DISCIPLINE AGREEMENT

This Agreement is entered into between the Los Angeles County Sheriff's Department, hereinafter referred to as "Department," and Deputy Daniel Mailloux, Employee No. [REDACTED] hereinafter referred to as "Grievant."

The Department and Grievant are parties to this dispute and desire to settle all issues involved in IAB No. 2277585 upon the terms and conditions hereinafter set forth.

NOW, THEREFORE, the Department and Grievant for and in consideration of the mutual covenants contained herein, agree as follows:

1. Both parties agree that the three (3) days suspension shall stand.
2. The Department will, upon execution of this Education-Based Discipline (EBD) Agreement, hold the three (3) days in abeyance pending completion of the below listed classes.
3. Both parties agree and understand that the Grievant's records will reflect that the three (3) day suspension was imposed and may be used for the purposes of demonstrating "progressive discipline." In addition, the Grievant understands that he will be subjected to additional discipline for each and every founded violation of the Department's Manual of Policy and Procedures.
4. The Grievant further agrees to attend and complete the below listed EBD course and understands that failure to complete the course and assignment shall result in the imposition of the three (3) days held in abeyance:
 - Lieutenants' Interactive Forum for Education (LIFE) class (8 hours)
 - 7 Habits of Highly Effective People (24 hours)
 - Imagine 21 (32 hours)
 - Write an EBD evaluation reflecting on your experience with the EBD process
5. The Department may adjust the Grievant's schedule to participate in EBD courses and EBD items, as EBD is conducted on-duty.
6. The Grievant agrees to cooperate with his Unit Commander to complete the courses as soon as practicable, but no longer than one (1) year from the date of execution of this EBD Agreement.

PS
5/25/11

7. The Grievant further agrees to waive any and all further administrative or judicial remedies with respect to the Letter of Imposition and the modified discipline, and also waives any administrative or judicial remedies with respect to any imposition pursuant to paragraph three (3), above. This waiver shall include, but not be limited to, appeals to the Los Angeles County Civil Service Commission and/or the Los Angeles County Employee Relations Commission.

8. The parties further agree that this EBD Agreement shall not be considered, cited, or used in future disputes as establishing past precedent or past employment practice.

9. In consideration of the terms and conditions set forth herein, Grievant agrees to fully release, acquit and forever discharge the County, and all present and former officers, employees and agents of the County, and their heirs, successors, assigns and legal representatives from any and all liability whatsoever for any and all claims arising out of or connected with the employment relationship between the County and Grievant concerning the subject matter referred to herein.

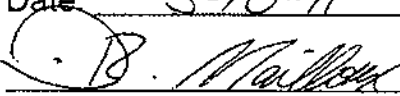
10. The Grievant further agrees to relinquish and expressly waives all rights conferred upon him by the provisions of California Civil Code Section 1542, which reads as follows:

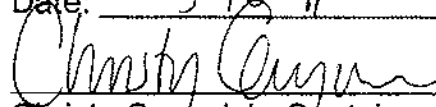
"A general release does not extend to claims which the creditor does not know or suspect to exist in his favor at the time of executing the release, which if known by him must have materially affected his settlement with the debtor."

11. The date of the last signature placed hereon shall hereinafter be known as the "date of execution" and the "effective date" of this EBD Agreement.

12. The parties agree that the foregoing comprises the entire EBD Agreement between the parties and that there have been no other promises made by any party. Any modification of this EBD Agreement must be in writing.

I have read the foregoing EBD Agreement, and I accept and agree to the provisions contained therein and hereby execute it voluntarily and with full understanding of its consequences.

Date: 5-10-11

Daniel Mailloux, Deputy

Date: 5-12-11

Christy Guyovich, Captain

Los Angeles County Sheriff's Department

Officer Involved Shooting

Page 1 of 4

Report Date: June 16, 2010		Bureau/Station/Facility: Lakewood Station		Admin. Invest? <input type="checkbox"/>		Hit? <input checked="" type="checkbox"/>	
Incident Information							
URN: 010-13964-1337-013		Date: June 16, 2010		Time: 2143 Hours			
City or Station: Bellflower		Nature of Incident: Deputies respond to Shots Fired call. Deputy Mailloux drove to rear of Apt. Complex and encountered S/Luckett & W. Deputy Mailloux ordered both individuals at gunpoint to show their hands. S/Luckett complied. S/Luckett was holding a beer in his right hand and approached the radio car. As he approached the radio car, he quickly placed his left hand to his rear waistband. Fearing Luckett was arming himself, and in fear of his life, he fired one round at Luckett, striking him in the upper torso. He was pronounced Dead at L.B. Memorial Hospital.					
Location: Eucalyptus Avenue							
Location Type (circle one or more): Backyard Beach Business Freeway Industrial Park Parking Lot Residence Rural School Street		Lighting (circle only one): Darkness Daylight Other Street Lights		Incident Type (circle one or more): Accidental Armed Person Fleeing Suspect Foot Pursuit Gun Take Away Moving Vehicle Sniper/Ambush Startle Struggle Involved Traffic Stop Unarmed Person Unintentional Vehicle Pursuit Warrant Service Warning Shot Other:		Initiated by (circle only one): Arrest Warrant Call Observation One Person Unit Other Search Warrant Two Person Unit	
Weather (circle only one): Clear Cloudy Fog Rain		Distance:		Prior Activity (circle only one): Detective Inmate Transport Other Routine Patrol			
Total # of Shots Fired by Deputy 1		Total # of Shots Fired by Suspect None		Aero Unit? <input type="checkbox"/>		Canine Unit? <input type="checkbox"/>	
Employee Witnesses							
Employee #	Last Name	First Name	M.I.	Shift Time (circle only one):	Shift Type (circle only one):		
Employee #	Last Name	First Name	M.I.	Shift Time (circle only one):	Shift Type (circle only one):		
				EM PM Day	Regular Overtime Off Duty		
Employee #	Last Name	First Name	M.I.	Shift Time (circle only one):	Shift Type (circle only one):		
				EM PM Day	Regular Overtime Off Duty		
Non-Employee Witnesses							
Last Name		First Name		M.I.			
Street Address		City		Zip Code		Work Ph Home Ph	
Last Name		First Name		M.I.			
Street Address		City		Zip Code		Work Ph Home Ph	
Last Name		First Name		M.I.			
Street Address		City		Zip Code		Work Ph Home Ph	
Supervisors							
Employee #	Last Name	First Name	M.I.	(circle one or more):		Witness to shooting	
	Jobling	James	R.	On Duty Present during shooting		Involved in shooting	
Employee #	Last Name	First Name	M.I.	(circle one or more):		Witness to shooting	
				On Duty Present during shooting		Involved in shooting	
Watch Sergeant							
Employee #	Last Name	First Name	M.I.				
	Camariño	Dana	L.				
Watch Commander							
Employee #	Last Name	First Name	M.I.				
	Hernandez	Eduardo	A.				

PSTD Use Only	
SH # _____	

Officer Involved Shooting Involved Employee Information

URN: 010-13964-1337-013

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Involved Employee											
E 1	Employee #		Last Name			First Name		M.I.			
			Mailloux			Daniel					
	Sex:	Race:	Rank		Unit Assignment:		Work Assignment (Unit #, Module, etc.):				
	M	White	Deputy		Lakewood Station		133E				
	ShiftTime (circle only one):		ShiftType (circle only one):		Intoxication/Drug Usage?		Substance Used:				
	EM PM Day		Regular Overtime Off Duty		<input type="checkbox"/>						
	Hospital Admission?		Hospital Name:		Coroner Case?		Coroner Case #		Interviewed?		
	<input type="checkbox"/>				<input type="checkbox"/>				<input type="checkbox"/>		
	Hrs of sleep prior to shooting:		Duty Time (hrs):		Clothing (circle only one):		Other Factors:				
	Unknown				Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest						
Age:	Height:	Weight:		Range Qualification Date:		PPC Qualification Date:		Laser Training Date:			
		5'9 160									
Certified with Weapon Used?		Patrol Certification?		Certification Unit:		Prior Shootings?		Number of Prior Shootings:		Directed Force:	
<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>				<input type="checkbox"/>	
Weapons Fired Brand:		Caliber		# Shots		Weapons Fired Brand:		Caliber		# Shots	
Heckler & Koch		45mm		1							
Field Training Officer Emp #		Last Name		First Name		M.I.					
Field Training Officer Emp #		Last Name		First Name		M.I.					
E	Employee #		Last Name			First Name		M.I.			
	Sex:	Race:	Rank		Unit Assignment:		Work Assignment (Unit #, Module, etc.):				
	ShiftTime (circle only one):		ShiftType (circle only one):		Intoxication/Drug Usage?		Substance Used:				
	EM PM Day		Regular Overtime Off Duty		<input type="checkbox"/>						
	Hospital Admission?		Hospital Name:		Coroner Case?		Coroner Case #		Interviewed?		
	<input type="checkbox"/>				<input type="checkbox"/>				<input type="checkbox"/>		
	Hrs of sleep prior to shooting:		Duty Time (hrs):		Clothing (circle only one):		Other Factors:				
					Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest						
Age:	Height:	Weight:		Range Qualification Date:		PPC Qualification Date:		Laser Training Date:			
Certified with Weapon Used?		Patrol Certification?		Certification Unit:		Prior Shootings?		Number of Prior Shootings:		Directed Force:	
<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>				<input type="checkbox"/>	
Weapons Fired Brand:		Caliber		# Shots		Weapons Fired Brand:		Caliber		# Shots	
Field Training Officer Emp #		Last Name		First Name		M.I.					
Field Training Officer Emp #		Last Name		First Name		M.I.					
E	Employee #		Last Name			First Name		M.I.			
	Sex:	Race:	Rank		Unit Assignment:		Work Assignment (Unit #, Module, etc.):				
	ShiftTime (circle only one):		ShiftType (circle only one):		Intoxication/Drug Usage?		Substance Used:				
	EM PM Day		Regular Overtime Off Duty		<input type="checkbox"/>						
	Hospital Admission?		Hospital Name:		Coroner Case?		Coroner Case #		Interviewed?		
	<input type="checkbox"/>				<input type="checkbox"/>				<input type="checkbox"/>		
	Hrs of sleep prior to shooting:		Duty Time (hrs):		Clothing (circle only one):		Other Factors:				
					Plain Clothes no Vest Raid Jacket w/ Vest Plain Clothes w/ Vest Uniform no Vest Raid Jacket no Vest Uniform w/ Vest						
Age:	Height:	Weight:		Range Qualification Date:		PPC Qualification Date:		Laser Training Date:			
Certified with Weapon Used?		Patrol Certification?		Certification Unit:		Prior Shootings?		Number of Prior Shootings:		Directed Force:	
<input type="checkbox"/>		<input type="checkbox"/>				<input type="checkbox"/>				<input type="checkbox"/>	
Weapons Fired Brand:		Caliber		# Shots		Weapons Fired Brand:		Caliber		# Shots	
Field Training Officer Emp #		Last Name		First Name		M.I.					
Field Training Officer Emp #		Last Name		First Name		M.I.					

Officer Involved Shooting Suspect Information

URN: 010-13964-1337-013

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Suspect Information

S 1	Last Name: Lockett		First Name: Dexter Jr.		M.I.: D.
AKA Last Name:		First Name:			
Sex: M	Race: Black	Street Address:		City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:		Driver's License #:	
Age: 23	D.O.B.: 12/23/1986	Height: 600	Weight: 185	FBI #:	CII #:
Booking #:	Primary Charge:		Secondary Charge:		
Coroner Case? <input checked="" type="checkbox"/>	Coroner Case #: 2010-04045		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>		
Vehicle Make: N/A		Model:		Year:	

S	Last Name:		First Name:		M.I.:
AKA Last Name:		First Name:			
Sex:	Race:	Street Address:		City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:		Driver's License #:	
Age:	D.O.B.:	Height:	Weight:	FBI #:	CII #:
Booking #:	Primary Charge:		Secondary Charge:		
Coroner Case? <input type="checkbox"/>	Coroner Case #:		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>		
Vehicle Make:		Model:		Year:	

S	Last Name:		First Name:		M.I.:
AKA Last Name:		First Name:			
Sex:	Race:	Street Address:		City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:		Driver's License #:	
Age:	D.O.B.:	Height:	Weight:	FBI #:	CII #:
Booking #:	Primary Charge:		Secondary Charge:		
Coroner Case? <input type="checkbox"/>	Coroner Case #:		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>		
Vehicle Make:		Model:		Year:	

S	Last Name:		First Name:		M.I.:
AKA Last Name:		First Name:			
Sex:	Race:	Street Address:		City:	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:		Driver's License #:	
Age:	D.O.B.:	Height:	Weight:	FBI #:	CII #:
Booking #:	Primary Charge:		Secondary Charge:		
Coroner Case? <input type="checkbox"/>	Coroner Case #:		Intoxication/Drug Usage? <input type="checkbox"/>	Substance Used:	
Armed? <input type="checkbox"/>	Apprehended? <input type="checkbox"/>	Mental Illness? <input type="checkbox"/>	Criminal History? <input type="checkbox"/>		
Vehicle Make:		Model:		Year:	